

NEWS NOTES

OF THE CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS

Vol. 3, No. 1, January, 1951

Philadelphia, Pa.

Second Prosecutions Continue

Reservist Arrested

An army reserve corps lieutenant was arrested December 7th for his refusal to report for duty when ordered to do so. His refusal to report was based on his conscientious objection to participation in war, a position he had arrived at since his membership in the reserve corps. He had not resigned his reserve corps membership, because he had received notice that he would be dropped from membership if he did not start answering his mail from his military headquarters. He did not answer the notification and assumed his membership was dropped, but he was later ordered to report for active duty. All efforts to get his resignation accepted after the order to report for duty failed.

At the time he received the order to report he was in training for full time religious work. He continued his training until he was arrested a little more than two months after the date he was to report for active duty.

After a couple of days in the guard house the lieutenant reached an agreement with army officers that he would be transferred to non-combatant duty without court martial charges being filed. Assignment was then made to an administrative office job at the fort.

Other Cases Pending

Numerous men across the country now members of armed forces reserve corps have become conscientious objectors since entering the reserves. These men have been attempting to resign, but no resignations have been accepted by the armed forces reserves corps since the beginning of the war in Korea.

Representatives of pacifist groups in Washington have contacted the Pentagon attempting to get resignations accepted. Legal representatives of men involved have also pressed requests for resignations. It is certain that the Pentagon is well aware of this problem, and it hoped that some general policy by the Department of Defense would be formulated which would allow for resignations of conscientious objectors. However, no such policy has been announced as of this date.

Probably all of the men involved will be able to get assignment to non-combatant duty if they are willing to demonstrate that they will accept nothing else. In many cases this can be arranged upon request before the notice to report for active duty. Army regulations make provision for the transfer of objectors to non-combatant duty when requested by the conscientious objector and approved by his commanding officer.

(Continued on page 4)

No Change in Government's Policy

Second prosecutions of conscientious objectors who have already completed prison sentences continue as recent arrests raise the total to five men in this category.

Henry Standing of Earlham, Iowa, and Amos Brokaw of Muncie, Indiana, were arrested in November and released on bond. The arrests of Stephen Simon, Donald Mott, and Roy Knight were reported in the November issue of News Notes.

Mott and Knight will be arraigned January 4th and Standing, January 5th. Simon and Brokaw are not expected to be arraigned until late next spring.

Amos Brokaw is facing his third prosecution, since he served a sentence under the Selective Service Act of 1940.

Department of Justice Unconcerned

Representatives of the Central Committee for Conscientious Objectors, American Civil Liberties Union, American Friends Service Committee and other concerned organizations as well as many individuals have contacted the Department of Justice by personal visit and correspondence in connection with second prosecutions of conscientious objectors. Correspondence to the Department of Justice is answered by individually typed form letters in which they say they are considering the problem. Visitors are told that nothing can be done without amending the Selective Service Act.

Efforts with selective service officials have been equally fruitless.

Administrative Solutions Available

Either of these governmental departments could solve the problem by administrative action. The Department of Justice could decline to prosecute the cases as a matter of policy because of the previous conviction for refusal to cooperate with the Act or on the basis of freedom of religious expression in a democratic country. The right of the Department of Justice to decide not to prosecute is explicitly stated in law and clearly evident in practice.

Selective Service could direct that men who have served time in prison for conscientious objection be classified IV-E, or it could direct that these men be classified IV-F as felons or psychologically unfit for army service. Obviously, the army does not want these men, as they would be useless as soldiers.

Public Opinion Antagonistic

The evident lack of interest on the part of govern-

(Continued on page 4)

Trouble Expected For Vets

It is apparent from numerous letters coming to the Central Committee for Conscientious Objectors that there are many veterans of World War II who are now conscientious objectors to participation in war. Few of these men have received IV-E classification, recognition by their local selective service boards of conscientious objection to all army service by reason of religious training and belief. Most of these objectors are classified IV-A because of their previous service in the armed forces or V-A because of their age.

The eligibility for these classifications is apt to be removed by Congressional action extending the draft age above twenty-six or tightening the requirements for deferment because of previous military service. If such Congressional action should make these men eligible for return to military service, draft boards would have to consider applications for IV-E classification.

Draft Boards Doubt Sincerity

The difficulties then arise as men rather recently participating in combat attempt to prove that they now object to participation in war because of their reinterpreted religious training and belief. Draft boards are always willing to believe that an objector has changed his mind and wants to go to war, but they generally are hesitant to accept the idea that a man can change into a pacifist. There is nothing in the Selective Service Act or regulations which prohibit a man from being classified IV-E either because of recent change of belief or previous military service, but draft boards by general practice have almost written these prohibitions into the law.

Because of this difficult situation veterans who want to obtain IV-E status should be prepared to offer proof of their sincerity as soon as the law changes making it possible that they could be classified I-A, subject to immediate call to military duty. The type of proof which is helpful includes letters from friends to the draft board stressing the sincerity and religious motivation of the applicant for IV-E, reports of public statements of position or participation in pacifist activities, membership in anti-war organizations, statements of support from the local church to which the applicant belongs, statement of support to conscientious objector members in general by the highest organizational unit of the church to which the applicant belongs, and personal appearance of applicant before the board to state position, answer questions and clearly give the reasons for his change of opinion. Some men will be able to provide all of these proofs; any of the men involved will be able to provide some of them.

Choice Must be Made

Any veteran who expects to seek any degree of status as a conscientious objector should have his position clearly thought through, and then follow the provisions of the law closely and do everything possible to obtain the correct classification. A man willing to accept I-A-O, non-combatant service, will have a much better chance to get that recognition than the man seeking complete exemption from military service. These veterans of the last war who can not now conscientiously accept further military duty may be faced with the choice of returning to war or being sentenced to prison.

EDUCATE YOUR FRIENDS

Many persons still do not know that men are sent to prison in the United States for religious beliefs. Few realize that a conscientious objector may spend his entire youth in prison, on parole, or caught in some other phase of a criminal prosecution. Many persons with ideals of democracy or religion are willing to aid in the recognition of conscience when they know the facts. It is our task to make the facts known. We need your help.

WHAT CAN I DO?

You can order for distribution to your friends, in the churches, or wherever there might be a sympathetic hearing, copies of **PROSECUTION OR PERSECUTION**. This is a reprint of an excellent story, complete with pictures, which appeared in the Des Moines Sunday Register telling of the pending second prosecution of Donald Mott and Roy Knight. A few CCCO editorial comments point up the problem. This reprint deserves wide distribution. How many can you use? No charge for single copies or small quantities, \$1.00 per hundred in quantities.

ORDER FROM CCCO

Ten veterans have already served prison terms for refusal to register under the Selective Service Act of 1948.

Wixom Parole Denied

Robert Wixom, a non-registrant serving a year and a day sentence at Springfield, was denied parole December 5. Wixom started his sentence June 29, so he had been eligible for parole since the end of October.

This is the first non-registrant denied parole and also the first application made since Korea. It is assumed that the international crisis was the main reason for the parole board's decision, although one case is not enough from which to generalize.

Gara Case Ended

As reported in detail in the November issue of NEWS NOTES the Larry Gara conviction for counseling non-registration was affirmed by a tie vote of the Supreme Court.

The last opportunity to win this long court battle was by getting a rehearing by the Supreme Court. A rehearing would be granted on the petition of the defendant if one of the Justices who voted to affirm the lower court's decision wished to have the case reviewed. A Petition for Rehearing was filed, but it was denied by the court November 27.

Bail Fund Organized

The CCCO in cooperation with the American Civil Liberties Union has set up a plan for providing bail on a national basis for conscientious objectors arrested for violation of the Selective Service Act. A similar plan inaugurated in 1948 was allowed to lapse earlier this year when prosecutions for selective service violations practically halted.

Under the present plan bail funds will be available to conscientious objectors at a cost of 2% of the amount of bail posted. The bail will be provided by the National Surety Company when requested by the American Civil Liberties Union. CCCO will approve applicants for bail and relay the request to ACLU at the time bail is needed. The 2% charge is smaller than the usual professional fee and is made possible only because concerned individuals have been willing to sign as indemnitors, insuring that there will be no loss of funds. The charge of 2% covers use of the bond for one year, a period of time longer than generally required to complete a prosecution. It can be renewed at the end of the year, if necessary, for another 2% payment.

Local Bail Funds Urged

The Central Committee for Conscientious Objectors strongly urges that in every possible case bond be posted by local C. O. committees, churches, pacifist organizations or concerned individuals. It is asked that the CCCO plan be saved for emergency purposes for use where C. O.'s are in a completely antagonistic community or local bail funds have already been exhausted. Posting bond by a local group gives that group a chance for concrete support of the man involved and also aids in the growth of increased interest in the conscientious objector position as more persons are able to actively participate. The savings of funds is also large as the 2% fee gets multiplied by hundreds of cases. A local plan can also get into action faster when the need arises.

Upon request CCCO will be glad to furnish additional information and suggestions for setting up local plans.

The past decade has seen conscription laws in effect in the United States almost continuously, and hundreds of thousands of dollars have been posted as bond for conscientious objectors under arrest. None of this money has been lost.

Applying for CCCO Aid

Men who think they may need the help of the CCCO for posting bond should feel free to make application for this aid. Application should be made before arrest so everything can be ready, and there will be less delay at the time of arrest. C. O.'s known to the CCCO staff or committee or to local C. O. committees working in cooperation with CCCO will be immediately approved. References will be checked as a matter of procedure for men with whom there has been no previous contact. The basis of the objectors violation of the Selective Service Act may be religious, political, philosophical, or other, without discrimination as to the bond being posted as long as the man involved is willing to stand trial for his offense.

Arrangements should be made so that the CCCO will be notified as soon as the arrest is made of men wanting bond under this plan. If application for this assistance has not been made before the arrest there may be a little

How Many IV-E's?

Men who have been unable to get a IV-E classification from their draft board sometimes feel as if getting such a classification is an impossible feat. However, according to a summary issued by Selective Service this fall, better than 12,000 men were classified IV-E at that time. Pennsylvania led the states with almost 2,000. Other states with more than 1,000 such classifications were Ohio, North Carolina, Indiana, and Kansas. Only Utah was listed as having no conscientious objectors, although five other states had less than ten.

Perhaps the number hardest to explain is the relatively low total of 226 in Iowa. The combined historic peace church membership in that state is better than 10,000, and Iowa had more non-registrants than any other state.

A IV-E classification is recognition by the local selective service board that a man is a conscientious objector by reason of his religious training and belief and that he is opposed to armed forces service, even as a non-combatant. Under the Selective Service Act of 1940 men with IV-E's were inducted for service in Civilian Public Service camps. Under the present law a man classified IV-E has no obligation for service of any kind.

CCCO Program Outlined

As many new names have been added to our mailing list the Central Committee for Conscientious Objectors wishes to state its program for those recently interested in the work of the committee.

To maintain the rights of conscience, the committee will, to the extent of its ability,

Counsel and assist all conscientious objectors who seek its aid, directly and in cooperation with local agencies;

Give legal advice and arrange for legal counsel for C. O.'s facing criminal prosecution;

Arrange means of providing bail for arrested conscientious objectors awaiting trial;

Try to secure the release of any C. O. inducted into the army by accident or through ignorance;

Work to release any imprisoned objector who wishes our aid, and to secure such prisoners as many human rights as possible while confined;

Assist C. O.'s attempting to gain pardons, and to work for a general amnesty;

Publish information, legal and otherwise, to aid counseling agencies, lawyers and objectors;

Facilitate clearing among agencies interested in conscientious objectors.

delay while references are being checked.

Bail Important

It is important that bail be provided for conscientious objectors under arrest, unless the man does not want bail posted for him. Time spent in prison before trial does not count against any sentence which may be imposed later. Considerable time may elapse between the arrest and the sentence, especially if the objector pleads not guilty. Unless bond is posted this entire time must be spent in jail. With the C. O. willing to make a considerable sacrifice in prison the posting of bond is a small contribution for others to make.

THE COURT REPORTER

I Prosecutions

Sentenced since last issue:

11-4-50 Carl E. Kime, one year, (South Bend, Ind.) Judge Swygert. Non-registrant automatically registered then charged with refusal to carry draft card. Conviction being appealed.

11-20-50 T. Vail Palmer, one year and one day, (Philadelphia) Judge Ganey. Non registrant.

Arrested since last issue and free on bond:

Pennsylvania: Paul and David Seaver, non-registrants.

Indiana: Amos Brokaw, second prosecution.

Iowa: Henry Standing, second prosecution.

Alabama: Ollie Sanderson, refusal to report for induction.

Trial since last issue:

Washington: Donald Fisk, non-registrant, pled guilty 12-11-50, free on bond while sentence pending.

II Men Currently Imprisoned

U. S. Medical Center, Springfield, Mo.: Robert Wixom.

In county jails pending transfer: Carl Kime, Vail Palmer.

III Appeals

12-5-50 Petition for Writ of Certiorari denied by Supreme Court in cases of Robert Richter and Robert Cannon. Both men have been free on bond pending appeal and must now serve three-year sentences.

RESERVIST ARRESTED

(Continued from page 1)

Men who are not willing to accept any armed forces assignment will face possible court martial charges of desertion or absent without leave. Court martial charges do not carry, as do civilian criminal statutes, maximum lengths of prison sentences. Therefore, penalties by court martial can be extremely severe. However, court martial sentences are often reduced upon review, and sentence of civilian courts are not.

Room 300
2006 Walnut Street
Philadelphia 3, Pa.

C. O.'s PLEASE NOTE

The following item is reported by United Press from Lincoln, Nebraska:

"Lt. Col. Francis Drath, state selective service manpower chief, handed draft-age Nebraskans this advice:

" 'Don't hate your draft board.'

"Local boards, he said, have the job of screening men who cannot qualify for service in the armed forces.

" 'So don't look on your draft board as a bunch of guys who're trying to put you in the Army,' Drath told Nebraska registrants.

"They're supposed to keep you out.' "

SECOND ARRESTS

(Continued from page 1)

ment officials to use administrative powers to stop continuous prosecution of men unable by reason of conscience to fulfill the requirements of the Selective Service Act is partially a reflection of public opinion. As the world crisis deepens, and especially since the military defeat in Korea, the problems of C. O.'s become of less concern to the general public and that portion of the public normally antagonistic to C. O.'s grows more antagonistic and more vocal.

In the atmosphere of an inoperative Selective Service Act, such as last summer, justice for C. O.'s would be possible with issues as clearly defined as in second prosecutions. In the present atmosphere it would be a denial of historic evidence to expect to win C. O. cases in the court of public opinion. But this does not excuse us from our obligations to keep before the public the views which we hold right, therefore offering to all as individuals an opportunity to choose and support constructive alternatives to hysteria.

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